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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,702	07/14/2003	James Baich	87359.1960	3730

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EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,702

Applicant(s)

BAICH ET AL.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2,4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 4, 7, 8, 11, 15 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Young.

In regard to claim 1, Young discloses a slip joint adaptor comprising;

a housing 5 having a substantially hexagonal outer cross section;

a first chamber 9 contained within the housing and configured to allow a pipe 11 to slide through it;

a second chamber 17 contained within the housing and configured to allow an end of a pipe 13 to slide through it and to provide a bridge for material flowing from the pipe to a second pipe when an end of the pipe does not contact an end of the second pipe; and

a third chamber 6 contained within the housing and configured to attach to an end of a second pipe.

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In regard to claim 2, the first, second and third chambers are substantially coaxial.

In regard to claim 4, the third chamber has threads 6 for attaching to an end of a second pipe.

In regard to claim 7, further comprising a tapered portion 7 located between the first 9 and second 17 chambers.

In regard to claim 8, further comprising a pipe 11 extending through the first chamber in a slidable fashion and terminating with a flared end 13 in the second portion, the flared portion having a diameter sufficient to prevent the pipe end from sliding through the first the first chamber.

In regard to claim 11, Young discloses a slip joint adaptor comprising:

means 5 for housing a pipe 11 configured to allow an end of a first pipe to slide through it the means for housing 5 having a substantially hexagonal outer cross-section;

means 13 for limiting sliding motion of the first pipe so that the first pipe does not slide out of the housing means; and

means 6 for attaching to an end of a second pipe; and

means 17 for bridging fluid flowing from the pipe to the second pipe when an end of the pipe does not contact an end of the second pipe.

In regard to claim 12, the attaching means 5 has a substantially hexagonal outer cross-section.

In regard to claim 13, attaching means has threads 6 for attaching to an end of a second pipe.

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In regard to claim 15, further comprising a pipe 11 extending through the housing means in a slidable fashion and terminating with a flared end 13 configured to prevent the flared end from sliding out of the housing means.

In regard to claim 18, Young discloses a method of attaching two pipe ends comprising:

Sliding a first pipe 11 through a slip joint adapter 5;

Positioning the slip joint adapter to the desired location on the first pipe;

Providing a stop 13 on the first pipe that blocks the first pipe from sliding into the slip joint adapter farther than a predetermined distance;

Attaching the slip joint adapter to an end of the second pipe 15; and

Bridging material 18 carried by the pipe with the slip joint adapter between two noncontacting pipe ends.

In regard to claim 19, further comprising sealing 18 the first pipe with the slip joint adapter.

In regard to claim 20, further comprising flaring the end of the first pipe 13.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-7, 9-14 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al. in view of Hampe et al.

In regard to claim 1, Rubin discloses a slip joint adaptor comprising;

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a housing 34;

a first chamber (part of 34 contacting 24) contained within the housing and configured to allow a pipe 24 to slide through it;

a second chamber (longitudinal interior surface between threads and taper) contained within the housing and configured to allow an end 62 of a pipe 24 to slide through it and to provide a bridge for material flowing from the pipe to a second pipe when an end of the pipe does not contact an end of the second pipe; and

a third chamber 48 contained within the housing and configured to attach to an end of a second pipe. Rubin et al. discloses that the housing can have a rough exterior or indentations for the fingers in order to facilitate assembly (see col. 5, lines 14-16), but Rubin et al. does not disclose that the housing has a hexagonal exterior. Hampe et al. teaches that a knurled exterior (a rough exterior) or a series of flat faces are equivalents in the art (see col. 4, lines 31-33). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the knurled surface of Rubin et al. to include wrench flats, as taught by Hampe et al.

In regard to claim 2, the first, second and third chambers are substantially coaxial.

In regard to claim 4, the third chamber has threads 46 for attaching to an end of a second pipe.

In regard to claim 5, further comprising at least one annular groove 70 in the first chamber configured to house an O-ring gasket 72.

In regard to claim 6, further comprising:

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a pipe 24 extending through the first chamber in a slidable fashion and having an end in the an O ring gasket 72 in the at least one groove the O ring gasket having an inner diameter less than an outer diameter of the pipe, and the O ring gasket having an outer diameter greater than the diameter of the groove.

In regard to claim 7, further comprising a tapered portion located between the first and second chambers.

In regard to claim 9, further comprising:

a pipe 24 extending through the first chamber in a slidable fashion and having an end in the second chamber; and

a shoulder 58 having a diameter greater than a diameter associated with the first chamber, the shoulder mounted on a portion of the pipe located outside the housing 34 and located on the pipe to but against the housing and prevent the end of the pipe from extending into the third chamber.

In regard to claim 10, further comprising:

a pipe 24 extending through the first chamber in a slidable fashion and having an end in the second chamber; and

a seal 72 located between the pipe and the housing substantially sealing the second chamber from the outside of the housing via the first housing.

In regard to claims 11 and 12, Young discloses a slip joint adaptor comprising:

means 34 for housing a pipe 24 configured to allow an end of a first pipe to slide through it the means for housing;

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means 62 for limiting sliding motion of the first pipe so that the first pipe does not slide out of the housing means; and

means (threads) for attaching to an end of a second pipe; and

means for bridging fluid flowing from the pipe to the second pipe when an end of the pipe does not contact an end of the second pipe. Rubin et al. discloses that the housing can have a rough exterior or indentations for the fingers in order to facilitate assembly (see col. 5, lines 14-16), but Rubin et al. does not disclose that the housing has a hexagonal exterior. Hampe et al. teaches that a knurled exterior (a rough exterior) or a series of flat faces are equivalents in the art (see col. 4, lines 31-33). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the knurled surface of Rubin et al. to include wrench flats, as taught by Hampe et al.

In regard to claim 13, attaching means has threads 46 for attaching to an end of a second pipe.

In regard to claim 14, further comprising at least one seal 72 containing means in the means for housing.

In regard to claim 16, a pipe 24 extending through the housing means; and

A stop 58 located on the pipe and located on the pipe to prevent the end of the pipe from extending into the housing means farther than a predetermined distance.

In regard to claim 17, further comprising:

a pipe 24 extending through the housing means; and

means 72 for sealing the pipe into the housing means.

In regard to claim 18, Young discloses a method of attaching two pipe ends comprising:

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Sliding a first pipe 24 through a slip joint adapter;

Positioning the slip joint adapter to the desired location on the first pipe;

Providing a stop 58 on the first pipe that blocks the first pipe from sliding into the slip joint adapter farther than a predetermined distance;

Attaching the slip joint adapter to an end of the second pipe; and

Bridging material carried by the pipe with the slip joint adapter between two noncontacting pipe ends.

In regard to claim 19, further comprising sealing 72 the first pipe with the slip joint adapter.

Response to Arguments

6. Applicant's arguments with respect to claims 1-2 and 4-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

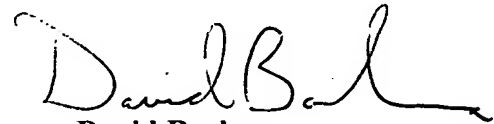
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read "David Bochna", with a stylized flourish at the end.

David Bochna
Primary Examiner
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November 11, 2004